

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Henry Cordes	Team: Team # 3	CCRB Case #: 200605984	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 05/04/2006 9:30 PM	Location of Incident: § 87(2)(b)	Precinct: 83	18 Mo. SOL 11/4/2007	EO SOL 11/4/2007	
Date/Time CV Reported Thu, 05/04/2006 10:05 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/09/2006 4:19 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Bryan Zuccaro	22037	931484	083 PCT
2. Officers			
3. An officer			083 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Denise Stringer	06357	929220	083 PCT
2. SGT John Zegilla	02254	916953	083 PCT
3. POM Jonathan King	16234	925546	083 PCT
4. POM Robert Mascia	03226	894777	083 PCT
5. POM Scot Pedrick	00697	935480	083 PCT
6. POF Agy Pena	05076	935484	083 PCT
7. POM James Brunache	25626	934542	083 PCT
8. POM Kirk Fernandes	12216	934850	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Bryan Zuccaro	Force: PO Bryan Zuccaro used physical force against § 87(2)(b)	
B. Officers	Force: Officers used physical force against § 87(2)(b)	
C. Officers	Force: Officers used physical force against § 87(2)(b), § 87(2)(b), and § 87(2)(b)	
D.POM Bryan Zuccaro	Abuse: PO Bryan Zuccaro threatened § 87(2)(b) with the use of force.	

Officer(s)	Allegation	Investigator Recommendation
E. Officers	Discourtesy: Officers spoke obscenely to § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b).	
F. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	

## Synopsis

The CCRB received this complaint from IAB on May 9<sup>th</sup>, 2006, under log #06-14474. The complaint was filed by § 87(2)(b) a witness to the incident. § 87(2)(b) and § 87(2)(b) are also listed as complainants in this case because they filed the complaint with § 87(2)(b). According to § 87(2)(b) § 87(2)(b) a victim in the incident, at approximately 9:30pm on May 4<sup>th</sup>, 2006, officers from the 83<sup>rd</sup> Precinct arrested § 87(2)(b) in connection with a shooting that occurred on Stanhope Street in Brooklyn. § 87(2)(b) told members of the 83<sup>rd</sup> Precinct conditions team, including Sgt. John Zegilla, PO Bryan Zuccaro, and PO Kirk Fernandes, that he could take them to the shooter. § 87(2)(b) led the officers to § 87(2)(b) where § 87(2)(b) was hosting a birthday party on the sidewalk, attended by her children and family friends, including § 87(2)(b) and § 87(2)(b). § 87(2)(b) identified § 87(2)(b) who was attending the party, as the shooter to the officers. PO Zuccaro approached § 87(2)(b) to question him, at which point § 87(2)(b) attempted to flee. PO Zuccaro grabbed § 87(2)(b) pushed him against a car and arrested him with the assistance of other officers (allegations A and B). Several women who were at the party, including § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) became upset and attempted to physically prevent the officers from arresting § 87(2)(b) by pulling at § 87(2)(b) and striking the officers, causing injuries to PO Zuccaro and Sgt. Zegilla. Officers used force to arrest the women (allegation C). § 87(2)(b) was arrested and placed in a patrol car. He alleged that PO Zuccaro threatened to “suffocate” him and said, “I should smack you” (allegation D). § 87(2)(b), § 87(2)(b), and § 87(2)(b) alleged that officers told them to “shut the fuck up.” § 87(2)(b) alleged that an officer said, “We can do whatever the fuck we want. Y’all can’t do shit,” and, “Your dumb ass want to sit on the floor? Get over there, stupid.” § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were all arrested and taken to the 83<sup>rd</sup> Precinct station house. § 87(2)(b) who was also attending the party, was arrested some time later. At the station house, § 87(2)(b) alleged that an officer called him a “bastard” (all within allegation E). § 87(2)(b) also alleged that an officer said, “I’d like to take you to the back and hit you a couple of times” (allegation F). This case was initially assigned to Investigator Kenny Robinson but was reassigned to the undersigned investigator on March 12<sup>th</sup>, 2007.

§ 87(2)(b), § 87(2)(g)

## Summary of Complaint

§ 87(2)(b) is a black male who was § 87(2)(b) old on the date of the incident. He provided a statement on June 2<sup>nd</sup>, 2006 (Enc. 5a-d). His mother, § 87(2)(b) gave permission for him to be interviewed by the CCRB.

At approximately 6:00pm on May 4<sup>th</sup>, 2006, § 87(2)(b) played basketball in the park with his friend, § 87(2)(b) for an hour or two. § 87(2)(b) then went home to do his homework. § 87(2)(b)

§ 87(2)(b) did not witness any shootings and did not have a gun. § 87(2)(b) went downstairs to § 87(2)(b)'s party, which was taking place outside his building at § 87(2)(b) in Brooklyn. § 87(2)(b) was wearing a white t-shirt and a black sweater. § 87(2)(b) had been at the party for approximately an hour when a marked police van arrived at the location. § 87(2)(b) and four officers were in the van. The officers got out of the van and started questioning people about a shooting that had taken place in the area. People did not want to answer the officers' questions, but wanted to know why § 87(2)(b) was in the van. § 87(2)(b) and his mother started walking away towards Irving Street to avoid the officers. PO Zuccaro asked § 87(2)(b) for his name, but he did not answer and continued to walk away. PO Zuccaro was a white male, identified through investigation as PO Zuccaro. PO Zuccaro asked § 87(2)(b) for his name again and his mother turned around and stated that § 87(2)(b) was her son. PO Zuccaro approached § 87(2)(b) and he stepped closer to his mother. PO Zuccaro and two other officers grabbed § 87(2)(b)'s arms and pulled him onto the street. PO Zuccaro and two other officers threw § 87(2)(b) against the driver's side of a police car on his chest several times. § 87(2)(b) had his hands up while he was being thrown against the car. The officers handcuffed § 87(2)(b) and PO Zuccaro walked § 87(2)(b) over to a patrol car and put him inside. PO Zuccaro was in the patrol car with § 87(2)(b). § 87(2)(b)'s sister, § 87(2)(b), came over to the patrol car and asked § 87(2)(b) what had happened. An officer told § 87(2)(b) to move away from the car or he would suffocate § 87(2)(b). Officers threw other people on the ground and arrested several people. § 87(2)(b) was taken to the station house. In the parking lot of the station house, PO Zuccaro took § 87(2)(b) out of the car and told § 87(2)(b) to tell him what happened. PO Zuccaro told § 87(2)(b) that he knew that he was the shooter. § 87(2)(b) said that he had not been present for the shooting and did not know anything about it. PO Zuccaro, for no reason, said, "I should smack you." § 87(2)(b) was eventually released from the station house and went to § 87(2)(b) where he was treated for unknown injuries.

## Results of Investigation

### Civilian Witnesses

§ 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) is a black female who was § 87(2)(b) old on the date of the incident. She provided a telephone statement on May 16<sup>th</sup>, 2006 (Enc. 6a), and an in-person statement on June 2<sup>nd</sup>, 2006 (Enc. 6b-f). § 87(2)(b) is a black female who was § 87(2)(b) old on the date of the incident. She provided a statement to the CCRB on May 24<sup>th</sup>, 2006 (Enc. 7a-d). § 87(2)(b) is a black female who was § 87(2)(b) old on the date of the incident. She is the daughter of § 87(2)(b) and she provided a statement on June 2<sup>nd</sup>, 2006 (Enc. 8a-d). § 87(2)(b) is a black male who was § 87(2)(b) old on the date of the incident. He is the son of § 87(2)(b) and he provided a statement on May 24<sup>th</sup>, 2006 (Enc. 9a-d). § 87(2)(b) is a Hispanic female who was § 87(2)(b) old on the date of the incident. She is a friend of the § 87(2)(b) family and provided a statement to IAB on May 4<sup>th</sup>, 2006, and a statement to the CCRB on May 24<sup>th</sup>, 2006 (Enc. 10a-c). § 87(2)(b), § 87(2)(g)

At approximately 9:00pm on May 4<sup>th</sup>, 2006, § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were attending a birthday party that was taking place on the sidewalk outside § 87(2)(b)'s son, § 87(2)(b) told § 87(2)(b) that something had happened while he was playing basketball in a nearby park, but he did not provide any details. § 87(2)(b) later heard that § 87(2)(b) was shot. Two marked

police vans pulled up approximately twenty minutes later. § 87(2)(b) was in the back of one of the vans. § 87(2)(b) told § 87(2)(b) that they should leave because something did not look right about the situation. According to § 87(2)(b) PO Zuccaro approached § 87(2)(b) grabbed his right arm, and asked him for his name. PO #1, a 5'9" white male with black hair and a moustache, identified through investigation as Sgt. Zegilla, also approached. § 87(2)(b) stated that PO Zuccaro questioned § 87(2)(b) about the shooting prior to having any physical contact with him. § 87(2)(b) further stated that § 87(2)(b) denied any knowledge of the shooting and attempted to move away from PO Zuccaro, at which point PO Zuccaro grabbed § 87(2)(b). § 87(2)(b) stated that when PO Zuccaro grabbed § 87(2)(b), § 87(2)(b) tried to pull § 87(2)(b) away from him. § 87(2)(b) stated that § 87(2)(b) was yelling and cursing at the officers. PO Zuccaro or Sgt. Zegilla pushed § 87(2)(b)'s arm away, but § 87(2)(b) continued to try to pull § 87(2)(b) away from the officers, at which point another officer pushed her away and § 87(2)(b) was arrested. An officer also told § 87(2)(b) to "Shut the fuck up."

§ 87(2)(b) told PO Zuccaro that § 87(2)(b) was not involved in the shooting and that he was § 87(2)(b) old. An officer told § 87(2)(b) to "Shut the fuck up." § 87(2)(b)'s son, § 87(2)(b) tried to pull § 87(2)(b) away from PO Zuccaro and said, "I've got her." § 87(2)(b) was standing between PO Zuccaro and § 87(2)(b) when he said this. § 87(2)(b) stated that she did not hit PO Zuccaro. § 87(2)(b) stated that § 87(2)(b) attempted to hit PO Zuccaro, but that § 87(2)(b) blocked her from making contact with PO Zuccaro. § 87(2)(b) stated that an officer hit her in the face with his hand and he and two other officers handcuffed her. No one else alleged that an officer hit § 87(2)(b). While the officers were arresting § 87(2)(b) an officer grabbed § 87(2)(b) and pushed him against a car, but then let him go and told him to go home.

PO Zuccaro threw § 87(2)(b) against a vehicle and several officers handcuffed him. § 87(2)(b) and § 87(2)(b) stated that the officers pushed § 87(2)(b) against the vehicle several times and § 87(2)(b) further stated that one of the officers punched § 87(2)(b) in the head. § 87(2)(b) approached a female officer who was helping to handcuff § 87(2)(b) tapped her on the shoulder and said, "Excuse me, miss." PO #2 then grabbed § 87(2)(b) by the right arm and punched her three times in the face with a closed fist. PO #2 was a 6'1" white male with blond hair. PO #2 put § 87(2)(b) on the ground and handcuffed her with the assistance of another officer. § 87(2)(b) and § 87(2)(b) also alleged that an officer hit § 87(2)(b). Another of § 87(2)(b)'s daughters, § 87(2)(b) approached the officers and told them to let go of § 87(2)(b). Officers told § 87(2)(b) to get back and she complied; however, she continued yelling at the officers and was eventually put on the ground and arrested. § 87(2)(b) stated that both § 87(2)(b) and § 87(2)(b) tried to physically prevent the officers from putting them on the ground and that in response the officers hit them each once with their hands. In her statement to IAB, § 87(2)(b) stated that someone dug their nails into a lieutenant's left eye. This lieutenant was identified through investigation as Sgt. Zegilla.

§ 87(2)(b) said to the officers, "Do you think y'all can do whatever you want to me." PO #3 said, "We can do whatever the fuck we want. Y'all can't do shit." PO #3 was a short, heavy, Hispanic female. PO #3 told § 87(2)(b) to get in the back of the van. § 87(2)(b) said, "What, you want me to sit on the floor?" PO #3 said, "Your dumb ass want to sit on the floor? Get over there, stupid." PO #2, a short white female officer with dark hair, put § 87(2)(b) and § 87(2)(b) in the van with § 87(2)(b). § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) asked PO #2 what they had done. PO #2 told § 87(2)(b) and § 87(2)(b) to “Shut the fuck up.” § 87(2)(b) s daughter, § 87(2)(b), went to the patrol car in which § 87(2)(b) had been placed. § 87(2)(b) later told § 87(2)(b) that an officer said, “Move from the car or we’re going to suffocate him,” referring to § 87(2)(b). § 87(2)(b), § 87(2)(b), § 87(2)(b) § 87(2)(b), § 87(2)(b) and § 87(2)(b) were transported to the 83<sup>rd</sup> Precinct station house. § 87(2)(b) and § 87(2)(b) who had not been arrested at this point, went to the station house to inquire about the arrests. When § 87(2)(b) arrived outside the station house, two officers in an unmarked vehicle told him that he had hit an officer during the incident and they arrested him.

§ 87(2)(b) and § 87(2)(b) stated that while everyone was waiting to have their arrests processed at the station house an officer shoved § 87(2)(b) against a wall because she was not standing against it. § 87(2)(b) stated that § 87(2)(b) hit an officer at the station house. The officer also stated that § 87(2)(b) had kicked him. § 87(2)(b) also alleged that an officer at the station house called him a “bastard” because he said that he had hit an officer. The officer said, “I’d like to take you to the back and hit you a couple of times.”

§ 87(2)(b) never got his cell phone back. § 87(2)(g)

§ 87(2)(b) An appointment was made with § 87(2)(b) to view officer photographs on November 15<sup>th</sup>, 2006. However, she missed this appointment and subsequent attempts to contact her were unsuccessful. Attempts to contact members of the § 87(2)(b) family to schedule a photo viewing via telephone and mail were unsuccessful

§ 87(2)(b)

§ 87(2)(b) provided the CCRB with a written statement by § 87(2)(b) (Enc. 11a), in which he stated that § 87(2)(b) was not a witness to the shooting and that no one attacked the officers when he was arrested.

#### **Civilian Witnesses Not Interviewed**

Attempts were made to contact § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) § 87(2)(b) via telephone and mail between May 12<sup>th</sup>, 2006, and May 31<sup>st</sup>, 2006. However, all attempts to contact them were unsuccessful and, as a result, they were not interviewed.

#### **Identification of Officers Interviewed**

§ 87(2)(b) identified PO Zuccaro by reading his name on his shield. § 87(2)(b) identified Sgt. Zegilla, PO Mascia, PO Pedrick, and PO King as present for the incident (Enc. 6d). PO Stringer was identified from the 83<sup>rd</sup> Precinct command log (Enc. 21e) as § 87(2)(b) s arresting officer. PO Fernandes and PO Brunache were identified from the 83<sup>rd</sup> Precinct roll call as being assigned to the same conditions team as Sgt. Zegilla and PO Zuccaro (Enc. 21n). All of the officers, with the exception of PO Brunache, PO Pedrick, and PO Mascia confirmed their involvement in the incident.

#### **PO Bryan Zuccaro**

§ 87(2)(b)

#### **PO Zuccaro**

*PO Zuccaro is a 5’6’’ white male. He provided a statement on June 19<sup>th</sup>, 2007 (Enc. 12b-c).*

On May 4<sup>th</sup>, 2006, PO Zuccaro was on duty, but he did not know what hours he worked because he did not bring his memo book. His assignment was conditions and he was working with Sgt. Zegilla. He was in uniform and assigned to a marked van.

At approximately 9:30pm on May 4<sup>th</sup>, 2006, PO Zuccaro was investigating a shooting and had a witness to the shooting, identified through investigation as § 87(2)(b) in his custody. § 87(2)(b) stated that he had been riding a bicycle with his cousin, § 87(2)(b) riding on the back. § 87(2)(b) stated that § 87(2)(b) was the shooter. § 87(2)(b) stated that he would take the officers to § 87(2)(b) and led them to a barbeque taking place outside § 87(2)(b). § 87(2)(b) pointed out § 87(2)(b) to the officers. PO Zuccaro got out of the van and told § 87(2)(b) that he needed to come to the station house. § 87(2)(b)'s mother, identified through investigation as § 87(2)(b), pushed PO Zuccaro in the arm and told § 87(2)(b) to run. § 87(2)(b) ran but PO Zuccaro was able to grab his arm, at which point § 87(2)(b) punched PO Zuccaro on the left side of his head. Despite this, PO Zuccaro was able to get both of his arms around § 87(2)(b). § 87(2)(b) tried to get away from PO Zuccaro, causing him and PO Zuccaro to fall against the trunk of the car and then onto the ground between two parked cars. PO Zuccaro handcuffed § 87(2)(b) on the ground. While PO Zuccaro was on the ground, other people at the barbeque kicked him several times in the back, chest, and arms. PO Zuccaro could not see who was kicking him. Sgt. Zegilla attempted to fend off these individuals, although PO Zuccaro did not see how he did this. A female was wrapped around Sgt. Zegilla's back and another was holding onto his arm. PO Zuccaro picked § 87(2)(b) up and placed him in the van. PO Zuccaro then assisted Sgt. Zegilla by telling people to move off the street before transporting § 87(2)(b) to the station house. PO Zuccaro did not say, "I should smack you," to § 87(2)(b) or say that he would suffocate him. PO Zuccaro did not punch anyone and did not see any officers do this. PO Zuccaro did not hear any officers curse during the incident and did not do so himself. PO Zuccaro was at the station house for approximately ten minutes. PO Zuccaro saw the individuals who had been arrested lined up waiting to be placed in the cells. PO Zuccaro did not hear any officers curse at the station house or push anyone. PO Zuccaro had redness on his head and a swollen knee and went to § 87(2)(b). § 87(2)(b). He filled out line of duty paperwork, but did not miss any work. § 87(2)(b).

#### **Sgt. John Zegilla**

Sgt. Zegilla provided a statement as part of his **line of duty injury report** (Enc. 13c). § 87(2)(b)

#### **Sgt. Zegilla and PO Kirk Fernandes's CCRB Statements**

*Sgt. Zegilla is a 5'10" white male. He provided a statement on June 11<sup>th</sup>, 2007 (Enc. 13d-e). PO Fernandes is a 5'6" Hispanic male. He provided a statement on July 25<sup>th</sup>, 2007 (Enc. 14d-e).*

Sgt. Zegilla and PO Fernandes worked from 5:40pm on May 4<sup>th</sup>, 2006, until 2:37am on May 5<sup>th</sup>, 2006. Their assignment was conditions. They worked PO Aguy Pena, PO Harjit Singh, and PO Bryan Zuccaro and were in uniform. They were assigned to marked RMP 5980, which is a marked van. Sgt. Zegilla's memo book indicates that he went to § 87(2)(b) for an injury he received due to being assaulted during the incident (Enc. 13b). PO Fernandes' memo book indicates that the officers responded to a call for assistance at § 87(2)(b) and that five people were arrested from the location (Enc. 14b). § 87(2)(g)

§ 87(2)(g)

At approximately 9:30pm on May 4<sup>th</sup>, 2006, § 87(2)(b) identified § 87(2)(b) as the shooter. Sgt. Zegilla and his team got out of the van and PO Zuccaro asked § 87(2)(b) to speak to him, at which point § 87(2)(b) started to walk away. PO Zuccaro grabbed § 87(2)(b)'s arm, at which point § 87(2)(b) turned around and hit him in the head with his hand. Women at the barbeque told § 87(2)(b) to run away and he attempted to do so. As PO Zuccaro was attempting to handcuff § 87(2)(b) he and § 87(2)(b) fell between two parked cars and Sgt. Zegilla stood on the sidewalk in front of them to keep § 87(2)(b)'s family and friends away from the arrest. These individuals were approaching § 87(2)(b) and PO Zuccaro and attempting to interfere with the arrest. In attempting to get past Sgt. Zegilla, people in the crowd knocked off his glasses, scratched his arm and his cornea. Sgt. Zegilla did not know exactly how he received these injuries. Sgt. Zegilla defended himself by pushing people back away from him. Sgt. Zegilla did not punch anyone. While § 87(2)(b) was being arrested, PO Fernandes noticed that § 87(2)(b) was attempting to exit the officers' van, at which point he went back to the van and secured § 87(2)(b). PO Fernandes did not leave the van for the rest of the incident and did not take part in any of the arrests. § 87(2)(b)

§ 87(2)(b) Sgt. Zegilla did not remember cursing at anyone during the incident or threatening anyone with the use of force.

#### PO Denise Stringer

PO Stringer completed the **complaint report** (Enc. 15c-d) for this incident, in which she stated that during an investigation of shots fired, § 87(2)(b), § 87(2)(b) and § 87(2)(b) struck officers with their hands, causing injuries to the officers' eyes and arms. The above individuals, as well as § 87(2)(b) and § 87(2)(b) disobeyed a lawful order to disperse. § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) resisted arrest by flailing their arms.

PO Stringer also completed the **arrest reports** (Enc. 15e-h) for § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) § 87(2)(g)

§ 87(2)(a) 160.50

#### PO Stringer's CCRB Statement

*PO Stringer is a 5'7" white female. She provided a statement on June 22<sup>nd</sup>, 2007 (Enc. 15i-j).*

PO Stringer worked from 6:00pm on May 4<sup>th</sup>, 2006, until 2:35am on May 5<sup>th</sup>, 2006. Her assignment was a foot post on Irving Street. She worked alone and was in uniform. She was not assigned to a motor vehicle. Her memo book indicates that there were seven people arrested in front of § 87(2)(b) (Enc. 15b).

At approximately 9:30pm on May 4<sup>th</sup>, 2006, PO Stringer responded to a report of shots fired. PO Stringer and other officers arrested an individual matching the description of the shooter, identified through investigation as § 87(2)(b). § 87(2)(b) told the officers that the other individual involved in the shooting, who had the gun, was on § 87(2)(b). Lt. Ruane picked PO Stringer up and drove her to § 87(2)(b). There was a barbeque taking place on § 87(2)(b) attended by approximately 25 people. § 87(2)(b) pointed out § 87(2)(b) to the officers as



the shooter. PO Stringer did not remember which officers stopped § 87(2)(b). When officers attempted to stop § 87(2)(b), several females approached the officers and a melée ensued. The females were yelling and swinging at the officers. PO Stringer did not see how § 87(2)(b) was arrested. PO Stringer handcuffed an unknown black female who had punched Sgt. Zegilla in the face. PO Stringer grabbed the female by the arm and threw her to the ground. The female resisted by kicking and waving her arms, but PO Stringer was eventually able to handcuff her. PO Stringer could not recall if she had any physical contact with any other civilians. PO Stringer did not punch anyone and did not see any officers punch anyone. Lt. Ruane, Sgt. Zegilla, and PO Zuccaro received injuries during this incident. No officers said, "I should smack you," or said that they would suffocate anyone. No officers cursed during this incident. PO Stringer returned to the station house to process arrests. PO Stringer could not recall the demeanors of the prisoners at the station house. No officers pushed anyone inside the station house, cursed, or said that they would hit anyone.

#### **PO Jonathan King**

*PO King is a 5'9" white male. He provided a statement on July 10<sup>th</sup>, 2007 (Enc. 16a-b).*

PO King was unable to find his memo book and did not know any details of his tour on the date of the incident.

At approximately 9:30pm on May 4<sup>th</sup>, 2006, PO King responded to § 87(2)(b) with members of the conditions team. There was a barbecue outside with approximately thirty people in attendance. Members of the conditions team were attempting to apprehend a young male, who was running away from the officers. PO King did not remember if any force was used to apprehend the male. There were a couple of women arrested at the location § 87(2)(a) 160.50. A woman punched Sgt. Zegilla, causing him to hit a car and fall over. PO King was not involved in arresting anyone. None of the officers said, "I should smack you," or said that they would suffocate anyone. PO King thought that officers used force against the females in order to arrest them. PO King did not remember if any officers pushed or punched any females. No officers cursed. PO King returned to the station house and saw the prisoners there. He thought that they were very upset, but did not remember what they were doing. PO King did not see any officers use any force, curse, or threaten anyone with the use of force at the station house.

#### **PO Scot Pedrick, PO Robert Mascia, and PO Brunache**

*PO Pedrick is a 5'11" blond male. He provided a statement on June 12<sup>th</sup>, 2007 (Enc. 17a-d). PO Mascia is a 5'9" white male. He provided a statement on June 18<sup>th</sup>, 2007 (Enc. 18a-d). PO Brunache is a 5'11" black male. He provided a statement on July 24<sup>th</sup>, 2007 (Enc. 19a-e).*

PO Brunache and PO Pedrick's memo books confirmed that they responded to the incident location (Enc. 17b and 19c). However, they were unable to recall any details of the incident. PO Mascia's memo book indicated that he was not working on the date of the incident.

#### **Officers Not Interviewed**

§ 87(2)(g)

### NYPD Documents

The **SPRINT report** (Enc. 21a-d) indicates that a call for assistance for crowd control was called at 9:49pm and that EMS responded but that there were no injuries to any officers. Six people were arrested by 10:13pm.

The 83<sup>rd</sup> Precinct **command log** (Enc. 21e-f) indicates that § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b) were arrested § 87(2)(a) 160.50. § 87(2)(b) was arrested § 87(2)(a) 160.50. § 87(2)(b) was arrested § 87(2)(a) 160.50. PO King and PO Stringer were the arresting officers. All of their physical conditions were noted as ‘apparently normal.’

The 83<sup>rd</sup> Precinct **roll call** (Enc. 21j-n) indicates that Sgt. Zegilla, PO Pedrick, PO Zuccaro, PO Brunache, and PO Fernandes were on duty at the time of the incident.

All of the arrests related to this incident have been sealed. § 87(2)(g)

PO Pena completed the **aided reports** and **line of duty injury reports** for Sgt. Zegilla and PO Zuccaro (Enc. 20a-f). PO Pena stated that she saw Sgt. Zegilla and PO Zuccaro in a dispute with numerous civilians. It was noted that by the time the situation was under control, Sgt. Zegilla was observed with injuries to his eye and forearm. Additionally, PO Zuccaro had injuries to his left knee and the right side of his head.

### Notice of Claim

§ 87(2)(b) filed a notice of claim against the City of New York in regards to this incident. § 87(2)(b)

### Disposition of Criminal Charges

[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### PO Zuccaro's CCRB History

PO Zuccaro has no substantiated allegations on his record. He has been a member of the NYPD for five years (Enc. 1b).

### § 87(2)(b) CCRB History

§ 87(2)(b) has filed no prior CCRB complaints (Enc. 2a).

### Conclusions and Recommendations

### Identification of Subject Officers

§ 87(2)(b) identified PO Zuccaro as the officer who stopped him and used physical force against him. § 87(2)(b) also identified PO Zuccaro as the officer who said that he would “suffocate” § 87(2)(b) and said, “I should smack you.” § 87(2)(g)

§ 87(2)(g)

### Undisputed Facts

It is not disputed that § 87(2)(b) attempted to evade PO Zuccaro and that PO Zuccaro used force to arrest him. It is also not disputed that § 87(2)(b) attempted to prevent the officers from arresting § 87(2)(b). It is not disputed that § 87(2)(b) at least attempted to strike an officer. It is not disputed that § 87(2)(b) approached the officers who were arresting § 87(2)(b) and made contact with one of them. It is also not disputed that § 87(2)(b) and § 87(2)(b) resisted arrest.

### Disputed Facts

§ 87(2)(g)

### Credibility

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g). She stated that § 87(2)(b) attempted to prevent officers from arresting § 87(2)(b) and that § 87(2)(b) and § 87(2)(b) were resisting arrest. However, she did allege that an officer struck § 87(2)(b) which § 87(2)(b) himself did not allege.

§ 87(2)(g)

§ 87(2)(g)

### Allegations Not Pleaded

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that an officer struck § 87(2)(b) § 87(2)(g) did not make this allegation.

**Allegation A: PO Bryan Zuccaro used physical force against § 87(2)(b)**

**Allegation B: Officers used physical force against § 87(2)(b)**

§ 87(2)(b) stated that when he attempted to move away from PO Zuccaro, PO Zuccaro and two other officers grabbed him and threw him against a vehicle multiple times. PO Zuccaro stated that when he grabbed § 87(2)(b), § 87(2)(b) punched him in the face and began struggling with PO Zuccaro, causing both of them to fall into a car and onto the ground. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) did not allege that any officers struck him. § 87(2)(b), § 87(2)(g)

No medical records could be located to confirm that § 87(2)(b) received any injuries during this incident. However, § 87(2)(b) did not allege that he received any serious injuries. § 87(2)(b), § 87(2)(g)

**Allegation C: Officers used physical force against § 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b), and § 87(2)(b).**

§ 87(2)(b) stated that an officer pushed § 87(2)(b) after she attempted to pull § 87(2)(b) away from the officers. § 87(2)(b) and § 87(2)(b) stated that officers struck them while placing them under arrest. § 87(2)(b) also stated that an officer struck § 87(2)(b) while arresting her. PO Zuccaro, Sgt. Zegilla, PO Fernandes, PO Stringer, and PO King stated that the women attempted to prevent the officers from arresting § 87(2)(b) by kicking and punching PO Zuccaro and Sgt. Zegilla. Both PO Zuccaro and Sgt. Zegilla went to the hospital as a result of this incident and filled out line of duty paperwork. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) admitted that § 87(2)(b) at least attempted to strike PO Zuccaro and § 87(2)(b) stated that § 87(2)(b) and § 87(2)(b) were physically resisting during the incident. § 87(2)(b), § 87(2)(g)

**Allegation D: PO Bryan Zuccaro threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that PO Zuccaro said that he would “suffocate” him and said, “I should smack you.” PO Zuccaro denied making these statements § 87(2)(b), § 87(2)(g)

**Allegation E: Officers spoke obscenely to § 87(2)(b), § 87(2)(b), § 87(2)(b)**

**, § 87(2)(b), and § 87(2)(b)**

**Allegation F: An officer threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) stated that an officer said, "We can do whatever the fuck we want. Y'all can't do shit," and, "Your dumb ass want to sit on the floor? Get over there, stupid." § 87(2)(b), § 87(2)(b), and § 87(2)(b) stated that officers told them to "shut the fuck up." § 87(2)(b) alleged that an officer called him a "bastard" and said, "I'd like to take you to the back and hit you a couple of times." All of the officers denied making these statements. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: